

EXPRESS MAIL LABEL NO.: EV 300737765 US

PATENT APPLICATION
Docket No. 48924-01030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David Lewis, et al.)
Application No.: 10/657,759) Art Unit
Filed: September 8, 2003) 1616
For: MEDICINAL AEROSOL SOLUTION FORMULATION)
PRODUCTS WITH IMPROVED CHEMICAL)
STABILITY)

CERTIFICATE OF EXPRESS MAILING

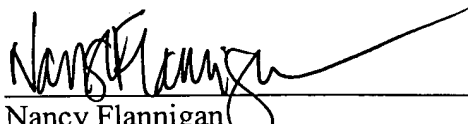
Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the below listed documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee," Certificate # EV 300737765 US, service under 37 CFR 1.10 in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1. Transmittal Form (1 pg.)
2. Response to the Non-Final Office Action dated September 22, 2004 (7 pgs.)
3. Return Receipt Postcard

DATED this 21st day of December, 2004.


Nancy Flannigan
Legal Secretary
Holme Roberts & Owen LLP
299 South Main Street, Suite 1800
Salt Lake City, Utah 84111
(801) 521-5800



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/657,759
Filing Date	September 8, 2003
First Named Inventor	David Lewis
Art Unit	1616
Examiner Name	Mina Haghighatian
Attorney Docket Number	48924-01030

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Express Mail Return Receipt Postcard
---	--	--

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Holme Roberts & Owen LLP		
Signature			
Printed name	Jeffery M. Lillywhite		
Date	December 21, 2004	Reg. No.	53,220

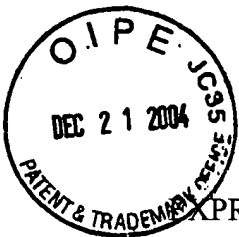
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



12-22-04

1.7u

EXPRESS MAIL LABEL NO. EV 300737765 US:

PATENT APPLICATION
Docket No. 48924-01030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David Lewis, et al.)
Application No.: 10/657,759) Art Unit
Filed: September 8, 2003) 1616
For: MEDICINAL AEROSOL SOLUTION FORMULATION)
PRODUCTS WITH IMPROVED CHEMICAL)
STABILITY)

**RESPONSE TO THE NON-FINAL OFFICE ACTION
DATED SEPTEMBER 22, 2004**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In reply to the Office Action dated September 22, 2004, Applicants respectfully request reconsideration of the pending claims in light of the following remarks.

REMARKS

Claims 1-23 are pending. Reconsideration of the present application is respectfully requested.

The Office Action rejects claims 1-7, 11-14 and 17-23 under 35 U.S.C. §103(a) over U.S. Patent No. 5,955,058 to Jager et al. ("Jager") in view of U.S. Patent No. 6,296,156 to Lasserre et al. ("Lasserre"), and claims 8-10 and 15-16 under 35 U.S.C. §103(a) over Jager and Lasserre, and in further view of U.S. Patent No. 6,149,892 to Britto. The Office Action also provisionally rejects claims 1-16 under the judicially created doctrine of obviousness-type double patenting over copending Application No. 10/290,225 in view of Lasserre, and copending Application No. 10/244,519 in view of Lasserre.